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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,136	12/08/1998	DARRYN MCDADE	97-S-159	6383

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STMICROELECTRONICS, INC.  
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EXAMINER
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NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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04/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/207,136	<b>Applicant(s)</b> MCDADE ET AL.	
	<b>Examiner</b> HUY T. NGUYEN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008 and 09 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-20, 25-27 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-20, 25-27 and 31-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 09 December 2008, PROSECUTION IS HEREBY REOPENED. Non final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621

2. The after final amendment filed 21 July 2008 has been entered and considered in this non final office action

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-8, 11-17, 19-20, 25-27 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishina (5,745,643) in view of Yonemitsu (5,592,450) and Mincer (5,262,875).

Regarding claims 1 and 20 and 25, Mishina discloses a digital audio/video decoder ( Fig. 1, 42-45) comprising a file reader (column 7, lines 9-15, column 10, lines 45-50, an optical head of a DVD driver) capable of obtaining any of one or more files containing encoded audio/video data streams from a data source utilizing a file system;

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a file navigator ( video manager ) enabling selection of a particular file on the data source an instructing a file reader to obtain a selected encoded audio/video data stream from the data source (column 10, lines 5-25, Fig. 4); and a splitter (54) (Fig. 1) separating the encoded AV data stream into one or more component data streams; and a decoding means (58,60,62, Figs. 1,42-45) to accommodate any combination of any one of MPEG-1 and MPEG-2 video data with any one of AC-3, MPEG or PCM audio data and adapted to programmably operate on video data coded according to any one of a plurality of video data coding standards and on audio data separately coded according to any one of a plurality of audio data coding standards, the video data coding standards including video data coding standards corresponding to MPEG-1 and MPEG-2 video data and the audio data coding standards including audio data coding standards corresponding to AC-3, MPEG or PCM audio data, the filter decoding and converting the one or more component data streams into three or more renderable signals including at least one renderable audio signal and at least two renderable video signals (Figs. 1, 42-45, column 26, line 35 column 7, line 35).

Mishina fails to specifically teach using MPEG 3 decoding for the video data . Yonemitsu teaches a recording / reproducing apparatus having means for decoding MPEG-3 video data as additional MPEG 1 and MPEG 2 decoders for the video data (column 31, lines 25-60, Fig. 32). It would have been obvious to one of ordinary skill in the art to modify Mishina with Yonemitsu by providing means for decoding a MPEG 3 video with the apparatus of Mishina as additional decoding means for decoding the video data when the apparatus receives a MPEG -3 video data.

Mishina as modified with Yonemitsu fails to teach using a reprogrammable proxy filer for decoding the audio and video data .

Mincer teaches a play back apparatus utilizing a file system using a reprogrammable decoder operating with video and audio data coded with any coding standard for decoding the video and audio data (column 5 lines 34-37, column 6, line 15-60) . It would have been obvious to one of ordinary skill in the art to modify Mimura with Mincer by providing the apparatus of Mimura with a reprogrammable decoder as taught by Mincer thereby enhancing the capacity of Mishina apparatus in decoding the video and audio data . Since all encoding and decoding MPEG-1, MPEG-2, MPEG-3, AC3, and PCM techniques for video data and audio data are well known in the art, it would have been obvious to one of ordinary sill in the art using software program to program and /or reprogram a decoder to perform decoding the video and audio with different standards.

Further for claim 25, Mishina teach a DVD (Fig. 1, column 10, 45-50) and mixing means for mixing the video with subpicture data (Fig.1, 45).

Regarding claims 2 and 26, Mishina as modified with Mincer further teaches using a user interface connected to the file navigator for selecting a file containing the encoded AV data stream to be obtained (See Mlshina , column 10, lines 20-25, Mincer column 8, lines 1-10)

Regarding claims 3, 4 and 27, Mishina further teaches that the user interface comprises more than one predefined function for selecting an AV signal to be obtained and the predefined functions including play, pause, menu, stop, previous, and next.

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since the recited predetermined functions are inherently characteristic of a DVD player.

Regarding claim 5, Mishina further teaches a video stream ,an audio data stream a sub-picture data stream, and a navigation data stream (Fig. 6).

Regarding claim 6, Mishina as modified with Mincer teaches selecting the file containing the encoded audio/video data stream to be obtained according to one or more selection signals received from the user interface (See Mishina , column 10, lines 20-25). .

Regarding claim 7, Mishina as modified with Mincer teaches the decoder can be updated by using software since Miner teaches decode is reprogrammable decoder (column 5, lines 33-37, column 6 line 55-60).

Regarding claim 8,Mishina further teaches data are MPEG data , AC-3 and PCM (column 6, lines 55 to column 7, line 35).

Regarding claim 11, Mishina as modified with Mincer teaches the reprogrammable proxy filter used one or more decoding standards to convert since Mishina teaches using one or more decoding standard to decode stream and Mincer reaches using reprogrammable decoding means for decoding data streams..

Regarding claims 12-13, and 31, Mishina as modified with Mincer teaches decoder can be updated by using software since Miner teaches decode is reprogrammable decoder (Mincer , column 5, lines 33-37, column 6 line 55-60).

Regarding claims 14-16 and 32 , Mishina as modified with Mincer further teaches a renderable audio signal; a renderable sub-picture signal; a mixer; and a

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reprogrammable proxy filter for synchronizing the signals (Mishina column 26, line 55 to column 7, line 35, Figs. 1, 42-46)..

Regarding claim 17, Mishina as modified with Mincer teaches audio render and video render (See Mishina , column 26, lines 55 to column 7, line 35, Mincer column 5, lines 34-37).

Regarding claim 19, Mishina further teaches a DVD device driver; and a DVD drive, wherein the file reader accesses the DVD through the DVD device driver and DVD drive (Fig. 1, column 10, and lines 45-50).

5. Claims 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishina in view of Yonemitsu and Mincer as applied to claims 17 and 25 above , further in view of Baumgartner et al (5,642,171).

Regarding claims 18 and 33, Mishina fails to specifically teach a sound card; an audio driver; a video graphics adapter; and a video driver.

Baumgartner et al teaches a sound card; an audio driver; a video graphics adapter; and a video driver (col. 1, lines 31-53 and col. 10, lines 40-64).

It would have been highly desirable to have a sound card; an audio driver; a video graphics adapter; and a video driver so that a DVD could be reproduced using a personal computer. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a sound card; an audio driver; a video graphics adapter; and a video driver in the apparatus of Mishina thereby enhancing the capacity Mishina apparatus .



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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621